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Paper No. 14

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR NY 10510

In re Application of: WINTHROP L. SAVILLE, ET AL.)
Application No.: 09/391,647) **DECISION ON PETITION TO**
Filed: September 07, 1999) **WITHDRAW THE HOLDING**
For: **METHOD FOR FORMING VARIABLE LENGTH**) **OF ABANDONMENT**
INSTRUCTIONS IN A PROCESSING SYSTEM)

This is in reply to Petitioner's petition to Withdraw the Holding of Abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office on January 30, 2004. No fee is required.


The Petition is **GRANTED**.

A review of the file record reveals that Petitioner, on December 02, 2002, filed a response to the final Office Action dated September 26, 2002. The Examiner, on December 11, 2002 issued an Advisory Action, indicating that Petitioner's response to the final Office Action filed December 02, 2002 was not entered. Petitioner, on February 06, 2003, filed a Petition for Extension of Time under 37 CFR 1.136(a) and a Notice of Appeal. On April 30, 2003, Petitioner submitted by facsimile transmission 16 copies of cover sheet "Official Cardinal Law Group." There was no indication on these copies of cover sheet that the facsimile transmission was Petitioner's Appeal Brief. These copies of the cover sheet were not entered. The application was held abandoned on December 15, 2003 for failure to file the Appeal Brief within the permissible time.

A further review of the file record and the facsimile database reveals that the 16 copies of the cover sheet received in the USPTO on April 30, 2003 were the result of unknown technical problems. Subsequently, the USPTO was able to retrieve from the facsimile database Petitioner's Appeal Brief transmitted by facsimile on April 30, 2003.

Petitioner, on January 30, 2004, submitted by facsimile transmission a copy of the Appeal Brief filed April 30, 2003 and a copy of USPTO Auto-Reply Facsimile Transmission.

Since a timely Appeal Brief was filed, the holding of abandonment dated December 15, 2003 is hereby withdrawn. The application will be forwarded to the Examiner of Record for prompt action on the merits of the application.


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